

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

James A. Butler,

Petitioner,

Civil No. 07-4807 (RHK/JJG)

v.

ORDER

Warden Duke Terrell,

Respondent,

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge (Doc. No. 3). No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. The Report and Recommendation (Doc. No. 3) is **ADOPTED**;
 2. Petitioner's application to proceed in forma pauperis (Doc. No. 2) is **DENIED**;
- and
3. This action is summarily **DISMISSED** for lack of jurisdiction.

Date: January 8, 2008

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge